

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARIK E. LEMBURG,

Defendant.

8:11CR360

**ORDER**

This matter is before the court for determination of the issue of restitution. At the sentencing hearing on July 2, 2012, on the defendant's oral motion, the court bifurcated the issue of restitution. Filing No. 44, text minute entry. The defendant was ordered to submit any evidentiary submissions regarding restitution to the court on or before August 3, 2012, and the parties were to brief the issue by August 20, 2012. *Id.* No evidence or briefing was filed.

The presentence investigation report (PSR) indicates that the victim identified in the "Cindy Series" of child pornography requests restitution in the amount of \$75,104.74. See Filing No. 46, PSR (Sealed) at 8. Several victim impact letters were also attached to the PSR. See Filing No. 46, PSR at 8; Filing No. 47, PSR (Part 2); Filing No. 48, PSR (Part 3).

For the reasons stated in this court's order in *United States v. Kelly Strayer*, No. 8:08CR482, Filing No. 78, Sentencing Memorandum at 19-21, 29-31 (D. Neb. June 24, 2010), the court finds the motion for restitution should be denied and no restitution should be ordered. Accordingly,

IT IS ORDERED that no restitution is imposed in this case.

DATED this 8<sup>th</sup> day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge